

1 speak freely, associate freely, and otherwise participate in
2 and communicate with government. There has been a disturbing
3 increase in lawsuits termed "Strategic Lawsuits Against
4 Public Participation" in government or "SLAPPs" as they are
5 popularly called.

6 The threat of SLAPPs, personal liability, and burdensome
7 litigation costs significantly chills and diminishes citizen
8 participation in government, voluntary public service, and
9 the exercise of these important constitutional rights. This
10 abuse of the judicial process can and has been used as a
11 means of intimidating, harassing, or punishing citizens and
12 organizations for involving themselves in public affairs.

13 It is in the public interest and it is the purpose of
14 this Act to strike a balance between the rights of persons to
15 file lawsuits for injury and the constitutional rights of
16 persons to petition, speak freely, associate freely, and
17 otherwise participate in government; to protect and encourage
18 public participation in government to the maximum extent
19 permitted by law; to establish an efficient process for
20 identification and adjudication of SLAPPs; and to provide for
21 attorney's fees and costs to prevailing movants.

22 Section 10. Definitions. In this Act:

23 "Government" includes a branch, department, agency,
24 instrumentality, official, employee, agent, or other person
25 acting under color of law of the United States, a state, a
26 subdivision of a state, or another public authority including
27 the electorate.

28 "Person" includes any individual, corporation,
29 association, organization, partnership, 2 or more persons
30 having a joint or common interest, or other legal entity.

31 "Judicial claim" or "claim" include any lawsuit, cause of
32 action, claim, cross-claim, counterclaim, or other judicial
33 pleading or filing alleging injury.

1 "Motion" includes any motion to dismiss, for summary
2 judgment, or to strike, or any other judicial pleading filed
3 to dispose of a judicial claim.

4 "Moving party" means any person on whose behalf a motion
5 described in subsection (a) of Section 20 is filed seeking
6 dismissal of a judicial claim.

7 "Responding party" means any person against whom a motion
8 described in subsection (a) of Section 20 is filed.

9 Section 15. Applicability. This Act applies to any
10 motion to dispose of a claim in a judicial proceeding on the
11 grounds that the claim is based on, relates to, or is in
12 response to any act or acts of the moving party in
13 furtherance of the moving party's rights of petition, speech,
14 association, or to otherwise participate in government.

15 Acts in furtherance of the constitutional rights to
16 petition, speech, association, and participation in
17 government are immune from liability, regardless of intent or
18 purpose, except when not genuinely aimed at procuring
19 favorable government action, result, or outcome.

20 Section 20. Motion procedure and standards.

21 (a) On the filing of any motion as described in Section
22 15, a hearing and decision on the motion must occur within 90
23 days after notice of the motion is given to the respondent.
24 An appellate court shall expedite any appeal or other writ,
25 whether interlocutory or not, from a trial court order
26 denying that motion or from a trial court's failure to rule
27 on that motion within 90 days after that trial court order or
28 failure to rule.

29 (b) Discovery shall be suspended pending a decision on
30 the motion. However, discovery may be taken, upon leave of
31 court for good cause shown, on the issue of whether the
32 movants acts are not immunized from, or are not in

1 furtherance of acts immunized from, liability by this Act.

2 (c) The court shall grant the motion and dismiss the
3 judicial claim unless the court finds that the responding
4 party has produced clear and convincing evidence that the
5 acts of the moving party are not immunized from, or are not
6 in furtherance of acts immunized from, liability by this Act.

7 Section 25. Attorney's fees and costs. The court shall
8 award a moving party who prevails in a motion under this Act
9 reasonable attorney's fees and costs incurred in connection
10 with the motion.

11 Section 30. Construction of Act.

12 (a) Nothing in this Act shall limit or preclude any
13 rights the moving party may have under any other
14 constitutional, statutory, case or common law, or rule
15 provisions.

16 (b) This Act shall be construed liberally to effectuate
17 its purposes and intent fully.

18 Section 35. Severability. The provision of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.".